
**IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

TRACY TANNER, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

SNAP FINANCE LLC and
SNAP RTO LLC,

Defendants.

Case No. 2:22-cv-00761-TS-JCB

CLASS ACTION

ORDER GRANTING PLAINTIFFS
TRACY TANNER’S, TAMEKA
MONTGOMERY’S, STERLING
SIMEON’S, AND VICTOR
SANCHEZ’S MOTION TO
CONSOLIDATE AND APPOINT
INTERIM CO-LEAD COUNSEL

TAMEKA MONTGOMERY and STERLING
SIMEON, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

SNAP FINANCE LLC and
SNAP RTO LLC,

Defendants.

Case No. 2:22-cv-00775-RJS

CLASS ACTION

VICTOR SANCHEZ, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

SNAP FINANCE LLC and
SNAP RTO LLC,

Defendants.

Case No. 2:22-cv-00791-RJS-JCB

CLASS ACTION

Having reviewed the parties' submissions, the Court hereby ORDERS that Plaintiffs' Motion to Consolidate and Appoint Interim Co-Lead Counsel is GRANTED.

IT IS HEREBY ORDERED THAT:

1. Pursuant to Federal Rule of Civil Procedure 42, the cases *Tanner v. SNAP Finance, LLC, et al.*, No. 2:22-cv-00761-TS-JCB, *Montgomery, et al. v. SNAP Finance, LLC, et al.*, No. 2:22-cv-00775-RJS, and *Sanchez v. SNAP Finance, LLC, et al.*, No. 2:22-cv-00791-RJS-JCB, are consolidated for all purposes. The *Tanner* case is designated as the lead case. All papers filed in the Consolidated Action shall be filed under Case No. 2:22-cv-00761-TS-JCB and shall bear the following caption:

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

IN RE SNAP FINANCE DATA BREACH
LITIGATION

Lead Case No. 2:22-cv-00761-TS-JCB

This Document Relates To:

2. All future pleadings, motions, briefs, and other papers shall be filed in Case No. 2:22-cv-00761-TS-JCB. The clerk is directed to CLOSE Case Nos. 2:22-cv-00775-RJS and 2:22-cv-00791-RJS-JCB.

3. All future-filed or transferred actions that are related to the Consolidated Action pursuant to Federal Rule of Civil Procedure 42 in that they are based on the same or similar facts and circumstances shall be consolidated in the Consolidated Action upon agreement of the parties and the filing of a notice of consolidation.

4. Co-Lead Interim Class Counsel M. Anderson Berry, William B. Federman, and Brian Flick shall be responsible for the overall conduct of the litigation on behalf of the proposed class, including providing supervision of all Plaintiffs' counsel in this litigation. As Co-Lead Interim Class Counsel for the class, Mr. Berry, Mr. Federman, and Mr. Flick have the authority to:

- a. Promote efficient conduct of this litigation and avoid unnecessary duplication and unproductive efforts by making and supervising all work assignments;
- b. Prepare and file the Consolidated Class Complaint on behalf of the proposed class, and any subsequent pleadings;
- c. Make, brief, and argue motions;
- d. Conduct all pre-certification proceedings on behalf of the proposed class and act as spokespersons for the proposed class;
- e. Conduct or coordinate discovery on behalf of the proposed class consistent with the Federal Rules of Civil Procedure, local rules, and orders of the Court, including preparation of (or responses to) written discovery requests and examination (or defense) of witnesses in depositions;
- f. Monitor activities of the Plaintiffs' counsel to whom they delegate work and implement procedures to ensure that schedules are met and unnecessary expenditures of time and funds are avoided by collecting from each firm regular time and expense reports;
- g. Negotiate with defense counsel with respect to settlement and other matters;
- h. Consult with and retain expert witnesses for the proposed class;

- i. Consult with, retain, and manage relations with outside vendors for the collection, processing, or review of documents and electronically stored information produced in discovery;
- j. Conduct or coordinate all negotiations with defense counsel regarding search and production protocols, manage the review of documents produced by Defendants and third parties (and production of documents by the proposed class Plaintiffs), and implement advanced analytics for the efficient review of documents as appropriate;
- k. Coordinate and communicate as necessary with counsel for other parties in the litigation regarding any matters addressed in this Order in order to ensure efficient use of Plaintiffs', Defendants' and the Court's time;
- l. Ensure that all Plaintiffs' counsel and Plaintiffs are informed of the progress of this litigation as necessary; and
- m. Otherwise coordinate the work of Plaintiffs' counsel and perform such other duties as authorized by further Order of the Court.

5. Interim Co-Lead Counsel shall regularly collaborate with additional class counsel with respect to the duties and responsibilities referenced in paragraph 1(a)-(n).

6. All Plaintiffs' counsel shall keep a daily record of their time spent and expenses incurred in connection with this litigation, indicating with specificity the hours and particular activities performed. All Plaintiffs' counsel shall endeavor to keep fees reasonable and to choose the most appropriate level of staffing for the tasks required in this litigation. The provisions of this paragraph do not limit the discretion of Interim Co-Lead Counsel in basing an allocation of any fee award

among Plaintiffs' counsel, whether based on lodestar, a percentage-based allocation, a combination of the two, or any other reasonable method of allocation.

7. Interim Liaison Counsel Charles H. Thronson shall have the authority to perform or delegate the following tasks on behalf of all Plaintiffs in this consolidated action:

- a. Maintain and distribute to co-counsel and to Defendants' liaison counsel an up-to-date service list;
- b. Receive and, as appropriate, distribute to co-counsel orders from the Court and documents from opposing parties and counsel;
- c. Maintain and make available to co-counsel at reasonable hours a complete file of all documents served by or upon each party except such documents as may be available at a document depository;
- d. Establish and maintain a document depository; and
- e. Perform such other duties that may be incidental to proper coordination of Plaintiffs' pretrial activities or authorized by Co-Lead Interim Class Counsel.

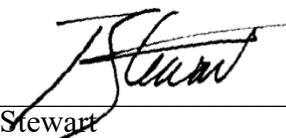
8. The Court hereby sets the following initial case deadlines for the Consolidated Action:

- a. Plaintiffs shall file a Consolidated Complaint no later than 30 days following entry of this Order;
- b. Defendants shall file an answer or otherwise respond to the Consolidated Complaint within 45 days of the filing of the Consolidated Complaint;
- c. Plaintiffs shall file an opposition to any motion to dismiss or similar motion filed in response to the Consolidated Complaint within 45 days of the motion; and

- d. Defendants shall file a reply in support of any motion to dismiss or similar motion within 15 days of Plaintiffs' opposition.

SO ORDERED:

Dated: January 17, 2023



Ted Stewart
United States District Court Judge